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LEGISLATIVE LIAISON
84-3069

MEMORANDUM FOR: Logistics and Procurement Law Division, OGC
Attn: [redacted]

FROM: [redacted]
Legislation Division
Office of Legislative Liaison

SUBJECT: Proposed Legislation Regarding Federally Sponsored Research and Development

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1. Attached for your information and review is a bill recently introduced in the House (H.R. 5003), which would give Government contractors the right to retain title to any invention resulting from Government sponsored research. The bill does, however, provide that a federal agency may eliminate this right if it is determined by a Government authority which is authorized by statute or Executive Order to conduct foreign intelligence or counterintelligence activities that this is necessary to protect the security of such activities. See Subsection 301(a)(1) of the proposed bill. This determination must be made in writing, but need not be reported to the Secretary of Commerce. See Subsection 301(b) of the proposed bill.

2. My preliminary analysis indicates that if this bill is enacted into law, the Agency would be required to certify at the time of contracting that it is necessary to limit or eliminate any contractor rights in an invention resulting from CIA funded research in order to protect the security of such research. Without such a certification, the contractor would be required to publicly disclose the invention to avoid losing his claim to the invention. See Subsection 301(c) of the proposed bill.

3. Although the bill is unlikely to be acted upon in this Congress because of the late date it was introduced, there is a small chance that it may move forward by being appended to other legislation. I would appreciate any comments you have on this bill so that we can formulate an Agency position regarding the bill.

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Attachment
[redacted]

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